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January 19, 2024

By Electronic Filing

Judge Taryn A. Merkl
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Letter to Magistrate Judge Merkl regarding request for an extension of time for
all deadlines sine die while the parties attempt to finalize a settlement;
HENRY ROLAND FLORES LOPEZ vs. MVN REALTY, LLC, and JAMES
DIMITRIADES, individually; Civil Action No.: 1:23-cv-01871-RPK-TAM**

Dear Magistrate Judge Merkl:

This firm represents MVN Realty, LLC and James Dimitriades (collectively, the "Defendants"), the defendants in the referenced case, which seeks, *inter alia*, relief under the *Fair Labor Standards Act (FLSA)* and *New York Labor Law (NYLL)*. This request for an extension of time, as set forth below, is being made jointly by all parties.

The parties jointly inform the Court that they have agreed in principle to a settlement, subject to the preparation and execution of a mutually agreeable settlement agreement and the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). The parties are endeavoring to (i) prepare and execute a mutually agreeable settlement agreement and (ii) submit a motion for the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, within the next forty-five (45) days.

Given the foregoing, the parties respectfully jointly request the Court to adjourn all deadlines *sine die*. Pursuant to your Honor's Order for Extension of Time on December 18, 2023, the parties' deadline to complete Phase I discovery is January 23, 2025. In addition, the Order provides that the deadline for joining additional parties and amending the pleadings as of right is February 5, 2024. Also, the Order states that the deadline to file a joint status report is February 5, 2024.

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This is the parties' third request for an extension of time to complete Phase I discovery and join additional parties and amend the pleadings as of right, and second request for an extension of time to file a joint status report.

In view of the foregoing, the parties respectfully request the Court to adjourn all deadlines *sine die* and allow the parties to submit a motion pursuant to *Cheeks v. Freeport Pancake House, Inc.*, on or before March 7, 2024 or a status report in the event the proposed Settlement Agreement is not ready to be submitted to the Court.

We thank your Honor for your consideration.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Jeff Gangemi', with a stylized flourish at the end.

Jeffrey A. Gangemi (JG-1116)

cc: Andrew C. Weiss, Esq. (acw@employmentlawyernewyork.com)